

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Andrew Yang, Jonathan Herzog, Hellen Suh, Brian Vogel, Shlomo Small, Alison Hwang, Kristen Medeiros and Dr. Roger Green, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

Douglas A. Kellner, Co-Chair and Commissioner, Andrew Spano, Commissioner, Peter S. Kosinski, Co-Chair and Commissioner, Todd D. Valentine, Co-Executive Director and Robert A. Brehm, Co-Executive Director, individually and in their official capacities at the New York State Board of Elections, and the New York State Board of Elections

Defendants.

ECF CASE

CIVIL ACTION: 20-cv-3325

AFFIDAVIT OF SERVICE

Jeffrey M. Kurzon, an attorney admitted in the State of New York and to this Court, affirms under the penalty of perjury, as follows:

1. We are attorneys for Plaintiffs in this action.
2. On May 1, 2020 just before noon we filed ECF Dkt. No. 16 and accompanying exhibits 1-12 (Exhibits A-L) (the “Second Amended Complaint”).
3. The persons we served the Second Amended Complaint at 12:21 by reliable electronic mail were the above captioned persons at their official addresses found through a search online, believed to be reliable and accurate. The addresses we used were:

"Kellner, Douglas (ELECTIONS)" <douglas.kellner@elections.ny.gov>, andrew.spano@elections.ny.gov, robert.brehm@elections.ny.gov, todd.valentine@elections.ny.gov, peter.kosinski@elections.ny.gov and INFO@elections.ny.gov.

4. We also copied Counselors Arthur Schwartz and Remy Green who have appeared in this action as counsel to Intervenor (on record via ECF), Counselors Brian Quail and Kimberly Galvin, believed to represent the NYS BOE, and Counselor Matthew Conrad of the New York State Attorney General's Office.
5. Commissioner Kellner, one of the Defendants, gave us the courtesy of acknowledging service of the Second Amended Complaint at 12:08pm.
6. In our cover email, we advised Defendants to immediately obtain counsel and asked them to waive any possible rights of sovereign immunity (reserving all of Plaintiff's rights).
7. By serving the above in the foregoing manner, we submit that we have complied with Judge Torres' Order on April 30, 2020 (ECF Dkt. No. 11).

Dated: May 1, 2020

Respectfully submitted,

By: /s/ Jeffrey M. Kurzon
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